

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-cr-20677-08  
Honorable Thomas L. Ludington

D-8, EUGENE SMITH, III,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA  
AGREEMENT UNDER ADVISEMENT**

On August 15, 2017, United States Magistrate Judge Patricia T. Morris conducted a plea hearing pursuant to Defendant's consent. ECF No. 369. The Magistrate Judge issued her report on August 16, 2017, and recommended that this Court accept Defendant's plea of guilty. ECF No. 383.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The failure to file objections waives any right to appeal the magistrate judge's findings that Defendant was competent to enter a plea, and that the plea was entered knowingly, voluntarily, without coercion, and with a basis in fact. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 383, is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty is **ACCEPTED**, and the Rule 11

Plea Agreement, ECF No. 374, is taken **UNDER ADVISEMENT**.

Dated: September 1, 2017

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 1, 2017.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager